

C. D. Michel – SBN 144258
cmichel@michellawyers.com
Joshua R. Dale – SBN 209942
jdale@michellawyers.com
Konstadinos T. Moros – SBN 306610
kmoros@michellawyers.com
Alexander A. Frank – SBN 311718
afrank@michellawyers.com
MICHEL & ASSOCIATES, P.C.
180 E. Ocean Blvd., Suite 200
Long Beach, CA 90802
Telephone: (562) 216-4444

Donald Kilmer-SBN 179986
Law Offices of Donald Kilmer, APC
14085 Silver Ridge Road
Caldwell, Idaho 83607
Telephone: (408) 264-8489
Email: Don@DKLawOffice.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

RENO MAY, an individual; ANTHONY
MIRANDA, an individual; ERIC HANS,
an individual; GARY BRENNAN, an
individual; OSCAR A. BARRETTO, JR.,
an individual; ISABELLE R.
BARRETTO, an individual; BARRY
BAHRAMI, an individual; PETE
STEPHENSON, an individual; ANDREW
HARMS, an individual; JOSE FLORES,
an individual; DR. SHELDON HOUGH,
DDS, an individual; SECOND
AMENDMENT FOUNDATION; GUN
OWNERS OF AMERICA; GUN
OWNERS FOUNDATION; GUN
OWNERS OF CALIFORNIA, INC.; THE
LIBERAL GUN CLUB, INC.; and
CALIFORNIA RIFLE & PISTOL
ASSOCIATION, INCORPORATED,

Plaintiffs,

v.

ROBERT BONTA, in his official capacity
as Attorney General of the State of
California, and DOES 1-10,

Defendants.

Case No.: 8:23-cv-01696 CJC (ADSx)

**EVIDENTIARY OBJECTIONS OF
PLAINTIFFS TO DECLARATION
OF PETER C. MANCALL FILED
IN SUPPORT OF DEFENDANT'S
OPPOSITION TO MOTION FOR
PRELIMINARY INJUNCTION**

Hearing Date:	December 20, 2023
Hearing Time:	1:30 p.m.
Courtroom:	9 B
Judge:	Hon. Cormac J. Carney

TO THIS HONORABLE COURT:

Plaintiffs Reno May, Anthony Miranda, Eric Hans, Gary Brennan, Oscar A. Barretto, Jr., Isabelle R. Barretto, Barry Bahrami, Pete Stephenson, Andrew Harms, Jose Flores, Dr. Sheldon Hough, DDS, The Second Amendment Foundation, Gun Owners of America, Inc., Gun Owners of California, Inc., The Liberal Gun Club, Inc., and California Rifle & Pistol Association, Incorporated, hereby jointly object, pursuant to Fed. R. Evid. 401, 402, 403, 601, 702, 703, and 704 to the Declaration of Peter C. Mancall, lodged by Defendant in support of his Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction. These objections are raised on the following grounds and as to the following matters contained within the declaration:

1. Objection to Paragraphs 8-9:

Relevance. Colonial-era proclamations by the King of England regarding the carrying of firearms, including an apparent outright ban on carry for self-defense of the kind rejected in *Bruen*, are not relevant to the evidence of Founding through Reconstruction historical firearm regulation analogues that governments must produce to show a history and tradition of firearms regulation. *See New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. ___, 142 S. Ct. 2111, 2133, 2146-47 (2022).

2. Objection to Paragraph 10:

Foundation. There is no citation or insufficient citations to facts or sources provided to support the opinion expressed by the declarant, and no other information is provided by the declarant to support the origin of or veracity of the declarant's opinion.

3. Objection to Paragraph 11:

Foundation. The citation to a single source regarding early Virginia law does not provide a sufficient foundation to support the opinion expressed by the declarant that " 'taverns are clearly the number one exhibit in early America of a business regulated by government.' " No other information is provided by the

1 declarant to support the origin of or veracity of the declarant's opinion.

2 **4. Objection to Paragraph 12:**

3 Relevance. Prevailing views of alcohol use in the pre-Founding Colonial
4 period, not tethered to any discussion of regulations, particularly firearms
5 regulations, are not relevant to the evidence of Founding through Reconstruction
6 historical firearm regulation analogues that governments must produce to show a
7 history and tradition of firearms regulation.

8 **5. Objection to Paragraphs 13-14:**

9 Relevance. Laws enacted to impermissibly target one race for disparate
10 treatment, such as laws preventing Indians from buying liquor, are not relevant
11 evidence establishing an historical tradition of constitutional firearms regulations.
12 *See Bruen* at 2152 n.27. Further, laws banning the sale of alcohol without regard to
13 firearm carriage are not relevant to the evidence of Founding through
14 Reconstruction historical firearm regulation analogues that governments must
15 produce to show a history and tradition of firearms regulation.

16 **6. Objection to Paragraph 15:**

17 Foundation. No citation to any laws supporting the opinion that there were
18 laws, much less widespread laws, banning carrying of swords in taverns. No
19 citation to any laws or material supporting the opinion that purported laws banning
20 carrying of swords in taverns were or would have been applied to firearms carriage.

21 Relevance. Purported laws banning carriage of swords, if they existed or
22 were numerous enough to show a history or tradition of banning carrying of swords
23 in taverns, are not relevant to the evidence of Founding through Reconstruction
24 historical firearm regulation analogues that governments must produce to show a
25 history and tradition of firearms regulation.

26 **7. Objection to Paragraphs 16-21:**

27 Foundation. Citation to a couple of Colonial or Founding era laws
28 regulating gambling and liquor does not evidence an historical practice.

1 Relevance. Laws regulating gambling and liquor in the same
2 establishment, if such laws existed and evidenced an historical practice, and where
3 there are no mentions of firearms or firearms regulation attendant to those laws, are
4 not relevant to the evidence of Founding through Reconstruction historical firearm
5 regulation analogues that governments must produce to show a history and tradition
6 of firearms regulation.

7 **8. Objection to Paragraphs 22-23:**

8 Foundation. No citation to authority to support proposition that gambling
9 laws were ubiquitous. Relevance. Laws regulating gambling, if such laws existed
10 and evidenced an historical practice, and where there are no mentions of firearms or
11 firearms regulation attendant to those laws, are not relevant to the evidence of
12 Founding through Reconstruction historical firearm regulation analogues that
13 governments must produce to show a history and tradition of firearms regulation.

14 **9. Objection to Paragraph 24:**

15 Relevance. Laws regulating gambling in a single state during the relevant
16 analogical period, where there are no mentions of firearms or firearms regulation
17 attendant to those laws, are not relevant to the evidence of Founding through
18 Reconstruction historical firearm regulation analogues that governments must
19 produce to show a history and tradition of firearms regulation.

20 **10. Objection to Paragraph 25:**

21 Relevance. Laws regulating gambling during the relevant analogical
22 period , where there are no mentions of firearms or firearms regulation attendant to
23 those laws, are not relevant to the evidence of Founding through Reconstruction
24 historical firearm regulation analogues that governments must produce to show a
25 history and tradition of firearms regulation.

26 **11. Objection to Paragraph 26:**

27 Foundation. No support in paragraph or prior citations for the opinion that
28 “Existing laws relating to the regulation of taverns and gambling reveal that the

1 state had an interest in reducing violence in taverns, and that the threat of violence
2 was higher when there was gambling taking place there.”

3 Relevance. Laws regulating gambling during the relevant analogical
4 period, where there are no mentions of firearms or firearms regulation attendant
5 with those laws, are not relevant to the evidence of Founding through
6 Reconstruction historical firearm regulation analogues that governments must
7 produce to show a history and tradition of firearms regulation.

8 **12. Objection to Paragraphs 27-28:**

9 Relevance. Laws regulating the serving of alcohol during the relevant
10 analogical period, where there are no mentions of firearms or firearms regulation
11 attendant to those laws, are not relevant to the evidence of Founding through
12 Reconstruction historical firearm regulation analogues that governments must
13 produce to show a history and tradition of firearms regulation.

14 **13. Objection to Paragraph 29:**

15 Foundation/Relevance. Citation to one Connecticut law regulating
16 gambling and alcohol during the relevant period does not evidence an historical
17 practice. Relevance. Laws regulating gambling and alcohol consumption during
18 the relevant analogical period, where there are no mentions of firearms or firearms
19 regulation attendant to those laws, are not relevant to the evidence of Founding
20 through Reconstruction historical firearm regulation analogues that governments
21 must produce to show a history and tradition of firearms regulation.

22 **14. Objection to Paragraph 30:**

23 Foundation/Relevance. Citation to one South Carolina law regulating
24 alcohol in taverns during the relevant period does not evidence an historical
25 practice. Relevance. Laws regulating taverns during the relevant analogical period,
26 where there are no mentions of firearms or firearms regulation attendant to those
27 laws, are not relevant to the evidence of Founding through Reconstruction historical
28 firearm regulation analogues that governments must produce to show a history and

1 tradition of firearms regulation. Post-Reconstruction laws for regulating taverns are
2 manifestly not relevant to the evidence of Founding through Reconstruction
3 historical analogues that governments must produce to show a tradition of firearm
4 regulation.

5
6 Dated: November 20, 2023

MICHEL & ASSOCIATES, P.C.

/s/ C.D. Michel

C.D. Michel

Counsel for Plaintiffs

9
10 Dated: November 20, 2023

LAW OFFICES OF DON KILMER

/s/ Don Kilmer

Don Kilmer

Counsel for Plaintiff The Second Amendment
Foundation

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *May, et al. v. Bonta*
Case No.: 8:23-cv-01696 CJC (ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**EVIDENTIARY OBJECTIONS OF PLAINTIFFS TO DECLARATION OF
PETER C. MANCALL FILED IN SUPPORT OF DEFENDANT'S
OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General
California Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Email: Robert.Meyerhoff@doj.ca.gov
Attorney for Defendant

I declare under penalty of perjury that the foregoing is true and correct.

Executed November 20, 2023.


Christina Castron